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3
4 BILL NO. G-73-08-26

5 GENERAL ORDINANCE NO. G- 21-73

6 AN ORDINANCE amending the General Ordinance G-97 by authorizing the vacation of an alley and two streets.
7

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
9 FORT WAYNE, INDIANA:

10 SECTION 1. Petition for the vacation of a public
11 alley and two public streets by property owners having been filed
12 with the Fort Wayne City Plan Commission, and resolution having
13 been duly adopted by the Fort Wayne City Plan Commission on
14 July 23, 1973 following a public hearing thereon, all in accordance
15 with Section 44, Chapter 174, of the Acts of the General Assembly
16 of the State of Indiana, as amended by Section 3, Chapter 385, of
17 the Acts of 1963 of the General Assembly of the State of Indiana
18 (Burns' Ind. Stat., 1964 Replacement, Sec. 53-744), the Thoroughfare
19 Plan as set forth in General Ordinance No. G-97 adopted by
20 the Common Council of the City of Fort Wayne on November 26,
21 1963, is amended by deleting the following public alley and two
22 public streets in Fort Wayne, Allen County, Indiana, to-wit:

23 Those portions of Lombard Street and
24 Sidney Street and that particular
25 alley that parallels said street
26 and is located equal distant between
27 them which lie between East Washington
28 Blvd. on the North and Jeffers Avenue
29 on the South.

30 SECTION 2. After passage of this Ordinance, approval
31 by the Mayor, and legal publication, a duly certified copy of
32 this ordinance, of the recommendation of the Fort Wayne City
33 Plan Commission, and of the action of the Mayor, shall be
34 transmitted by the City Clerk to the Board of Public Works of
35 the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and
effect from and after its passage and approval by the Mayor.

Virgil J. Schmidt
Councilman

APPROVED AS TO FORM
AND LEGALITY

Read the first time in full and on motion by V. Schmidt, seconded by Selmer, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 8/14/73 Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by V. Schmidt, and duly adopted, placed on its passage. Passed (~~LAST~~) by the following vote:

| | | | | | | | | |
|-------------|----------|-------|----------|-----------|-------|--------|-------|---------|
| AYES | <u>9</u> | NAYS | <u>0</u> | ABSTAINED | _____ | ABSENT | _____ | to-wit: |
| BURNS | <u>✓</u> | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| HINGA | <u>✓</u> | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| KRAUS | <u>✓</u> | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| MOSES | <u>✓</u> | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| NUCKOLS | <u>✓</u> | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| SCHMIDT, D. | <u>✓</u> | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| SCHMIDT, V. | <u>✓</u> | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| STIER | <u>✓</u> | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| TALARICO | <u>✓</u> | _____ | _____ | _____ | _____ | _____ | _____ | _____ |

DATE: 8-28-73 Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning-Map) (General) (Annexation) (~~Special~~) (~~Appropriation~~) Ordinance (Resolution) No. D-21-73 on the 28th day of August, 1973.

ATTEST: (SEAL) Winfield C. Mayo Jr.
Charles W. Westerman CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of August, 1973, at the hour of 10:00 o'clock A. M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 29th day of August, 1973, at the hour of 11:00 o'clock P. M., E.S.T.

John H. Pukano
MAYOR

Bill No. G-73-08-26

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the General Ordinance G-97 by authorizing the vacation
of an alley and two streets.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance has PASS.

John Nuckols - Chairman

Vivian G. Schmidt - Vice-Chairman

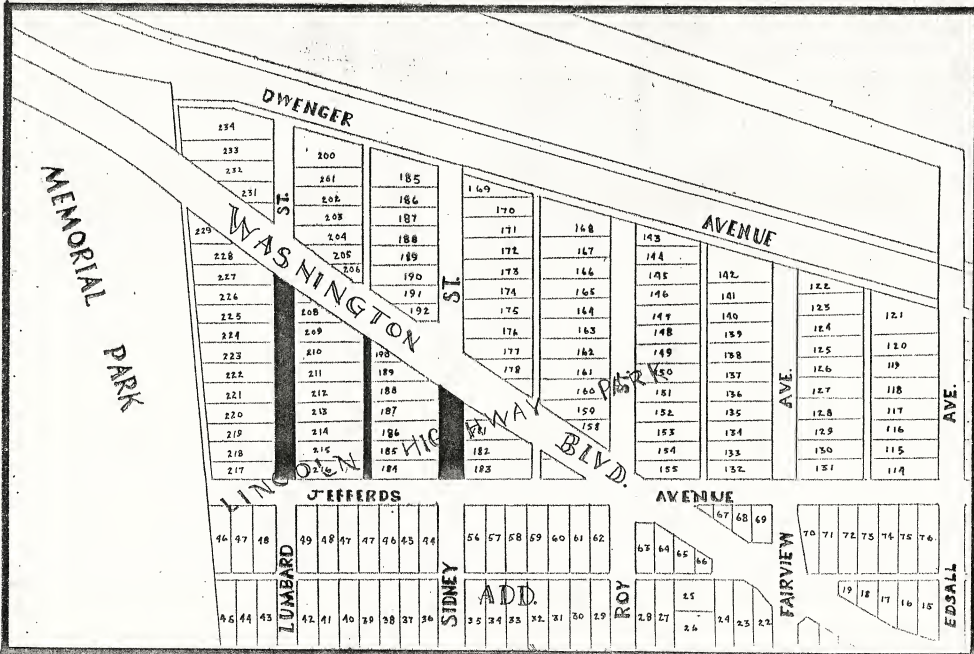
William T. Hinga

Paul M. Burns

Donald J. Schmidt

John Nuckols
Vivian G. Schmidt
William T. Hinga
Paul M. Burns
Donald J. Schmidt

DATE 8.28/73 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK



STREETS & ALLEY TO BE VACATED



THE CITY OF FORT WAYNE

office of city plan commission

July 25, 1973

COMMUNICATION FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following:

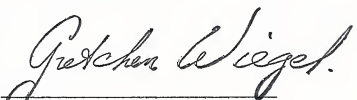
Those portions of Lombard Street and Sidney Street and that particular alley that parallels said street and is located equal distant between them which lie between East Washington Blvd. on the North and Jefferds Avenue on the South.

which was approved by the City Plan Commission at its regular meeting held July 23, 1973.

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
25th day of July, 1973.



Gretchen Wiegel
Secretary

RESOLUTION

WHEREAS, Parker R. Whiting, has petitioned and requested the Plan Commission of Fort Wayne, to hold a public hearing on the vacation of the following public streets and alley in Fort Wayne, Allen County, Indiana, to-wit:

Those portions of Lombard Street and Sidney Street and that particular alley that parallels said street and is located equal distant between them which lie between East Washington Blvd. on the North and Jefferds Avenue on the South,

all in accordance with the terms of IC 1971 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof and,

WHEREAS, said public hearing was held on July 23, 1973, and at such hearing there were no objections of any kind or character which should prevent the vacation of said public streets and alley;

NOW THEREFORE, be it resolved by the Plan Commission of Fort Wayne, that the vacation of said public street herein before described conforms to the general policy and pattern of development set out in the master plan of the City of Fort Wayne, Indiana; and

BE IT FURTHER RESOLVED by the Plan Commission of Fort Wayne, that the vacation of said public streets and alley hereinbefore described be and the same are hereby approved; and

BE IT FURTHER RESOLVED that the action of the Plan Commission of Fort Wayne be forwarded to the proper governing body having jurisdiction of the vacation of streets and alleys in Fort Wayne, Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Alan R. Grinsfelder President of the Plan Commission of Fort Wayne, do hereby certify that the above is a full, true and correct copy of a Resolution adopted by the Plan Commission of Fort Wayne, following a public hearing of said Commission held on July 23, 1973, and as the same appears of record in the

official records of said Plan Commission. Dated this 23rd day
of July, 1973.

PLAN COMMISSION OF FORT WAYNE

By: *Alan R. Profelder*
President

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE THE BOARD OF PUBLIC WORKS,
THE PLAN COMMISSION OF THE CITY
OF FORT WAYNE, INDIANA AND THE
COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA

PARKER R. WHITING, PETITIONER

PETITION TO VACATE TWO
STREETS AND AN ALLEY

The undersigned, Petitioner, PARKER R. WHITING,
hereby respectfully petitions the Board of Public Works, The
Plan Commission of the City of Fort Wayne, Indiana and the
Common Council of the City of Fort Wayne, Indiana, to vacate:

Those portions of Lombard Street and Sidney
Street and the alley which is parallel to
but equal distant from the aforementioned
streets which lie between East Washington
Blvd. on the North and Jefferds Avenue on
the South, and which are located within the
city limits of the City of Fort Wayne, Indiana.

Comes now the Petitioner and represents the following:

1. That the Petitioner, PARKER R. WHITING, is the
owner of Lots 184, 185, 186, 187 and 188; part of Lots 189, 190,
207, 208 and 209; Lots 210, 211, 212, 213, 214, 215, 216, 219,
220, 221, 222, 223, 224, 225, 226, and 227; and parts of Lots
228, 229 and 230 in Lincoln Highway Park Addition to the City
of Fort Wayne, Indiana, as said plat appears in Plat Book No. 7
page 121 in the recorder's office of Allen County, Indiana, which
lots lie immediately adjacent to the streets and alley sought to
be vacated.

2. That the other property owners whose lots abutt said
streets or alley sought to be vacated are as follows:

John E. and Cornelia Merrill
7116 Rose Ann Parkway
Fort Wayne, Indiana 46804
Lots No. 217 and 218
Lincoln Highway Park Addition,
whose lots front on Lombard Street
and Jefferds Avenue, and

James A. and Kenneth B. Ernst
3212 Eastbrook Drive
Fort Wayne, Indiana
Lots No. 180, 181, 182, 183, 156
and 157 in Lincoln Highway Park
Addition, whose lots front on
Sidney Street, Jefferds Avenue
and East Washington Blvd.

3. That the below listed property owners lots are South of Jeffers Avenue or North of East Washington Blvd. but are adjacent to the streets and alleys sought to be vacated:

Phillip E. and Judith Nelson
2522 Jeffers Street
Fort Wayne, Indiana
Lots 46 and the west 1/2 of
Lot 47, Lincoln Highway Park Addition,

Olivia and Abbie J. Robinson
2530 Jeffers Avenue
Fort Wayne, Indiana
the East 1/2 of Lot 47 and
Lot 48, Lincoln Highway Park Addition,

Betty L. Osgood
951 Waverly Hts. Drive
Thousand Oaks, California
Lot 49, Lincoln Highway Park Addition,

Lileth M. Kain, Louise J. Stovall
and Helen R. Orr
2626 Jeffers Avenue
Fort Wayne, Indiana
Lots 50, 53, 54 and 55,
Lincoln Highway Park Addition,

Russell W. and Lileth Kain
2626 Jeffers Avenue
Fort Wayne, Indiana
Lots 51 and 52, Lincoln Highway Park Addition,

Eva Mae Ernst
3212 Eastbrook Drive
Fort Wayne, Indiana
Lots 56, 57, 58 and 59
Lincoln Highway Park Addition,

Ralph H. and Glen I. Bentz
2728 Jeffers Avenue
Fort Wayne, Indiana
Lots 60, 61 and 62,
Lincoln Highway Park Addition,

Max D. and Yvonne R. Brand
2575 E. Washington Blvd.
Fort Wayne, Indiana
Lots 204, 205 and 206,
Lots 230, 231 and 232,
Lincoln Highway Park Addition,

T. E. White Co., Inc.
1100 Sidney Street
Fort Wayne, Indiana
Lots 192 and 193, Lincoln Highway Park Addition,

Sam Levine
P. O. Box 1107
Fort Wayne, Indiana
Lot 177, Lincoln Highway Park Addition.

4. That the only other persons, firms or corporations which might be particularly interested in the requested vacation is the City of Fort Wayne, Indiana.

5. That the streets and alley sought to be vacated are neither necessary for ingress or egress, nor as rights-of-way for any of the abutting owners or any other property owners in the City of Fort Wayne, Indiana.

6. That said streets and alley are not necessary nor advantageous in any manner to the growth of the City of Fort Wayne, Indiana; that the vacation of said streets and alley will not leave any real estate in the City of Fort Wayne without ingress or egress by means of a public way or street, and that, in fact, all property owners abutting upon said streets and alley sought to be vacated have more than adequate means of ingress and egress and rights-of-way to their properties.

7. That the vacation of said streets and alley will not cut-off public access to any church, school or public grounds, and that it would be in the best interest of the City of Fort Wayne and the citizens thereof that said streets and alley be vacated.

8. That the streets and alley as they now exist bisect the property owned by the Petitioner, and Petitioner is in the process of planning and contracting for the making of substantial improvements on said property in the form of the construction of a commercial building and the existence of said streets and alley would make the improvement of Petitioner's property, for all practical purposes, impossible and would constitute a substantial burden on Petitioner, and the vacation of said streets and alley would not adversely affect any public purpose but would enable your Petitioner and the other adjacent landowners to make a more advantageous and proper development of the property in question.

WHEREFORE, your Petitioner prays that the streets and alley hereinabove described be vacated according to the provisions

of the Indiana Law pertaining thereto.

Dated this 13th day of July, 1973.

Parker R. Whiting
PARKER R. WHITING

STATE OF INDIANA)
)
COUNTY OF ALLEN)

SS:

AFFIDAVIT

LaRita M. Westerman, the undersigned, being first duly sworn upon her oath, hereby certifies that copies of a certain Notice and Petition to Vacate Two Streets and an Alley were mailed by Certified Mail on the 12th day of July, 1973, to the property owners listed below whose lots either abutt or are in the immediate vicinity of said streets and alley sought to be vacated.

John E. and Cornelia Merrill
7116 Rose Ann Parkway
Fort Wayne, Indiana 46804

James A. & Kenneth B. Ernst
3212 Eastbrook Drive
Fort Wayne, Indiana

Phillip E. & Judith Nelson
2522 Jefferds Street
Fort Wayne, Indiana

Olivia & Abbie J. Robinson
2530 Jefferds Avenue
Fort Wayne, Indiana

Betty L. Osgood
951 Waverly Hts. Drive
Thousand Oaks, California

Lileth M. Kain, Louise J. Stovall
and Helen R. Orr
2626 Jefferds Avenue
Fort Wayne, Indiana

Russell W. & Lileth Kain
2626 Jefferds Avenue
Fort Wayne, Indiana

Eva Mae Ernst
3212 Eastbrook Drive
Fort Wayne, Indiana

Ralph H. & Glen I. Bentz
2728 Jefferds Avenue
Fort Wayne, Indiana

Max D. & Yvonne R. Brand
2575 E. Washington Blvd.
Fort Wayne, Indiana

T.E. White Co., Inc.
1100 Sidney Street
Fort Wayne, Indiana

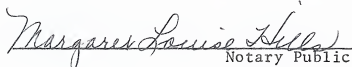
Sam Levine
P. O. Box 1107
Fort Wayne, Indiana

AFFIANT FURTHER SAYETH NAUGHT.


LaRita M. Westerman

Subscribed to and sworn before me, a Notary Public
in and for said County of Allen, State of Indiana, this 12th
day of July, 1973.




Notary Public

My Commission Expires:

July 15, 1974

DIGEST SHEET

2-73-08-26

TITLE OF ORDINANCE Street and Alley vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE City Plan Commission

SYNOPSIS OF ORDINANCE Preparation of streets and alley vacation ordinance

initiated by property owners to vacate the following described real estate:

Those portions of Lombard Street and Sidney Street and that particular alley that parallels said street and is located equal distant between

them which lie between East Washington Blvd on the North and Jefferds Avenue on the South.

EFFECT OF PASSAGE ^{Vacated} Streets and alley would be utilized by property owners.

EFFECT OF NON-PASSAGE Streets and alley would remain open.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none.

ASSIGNED TO COMMITTEE (J.N.) REG LJKM

ORDINANCE CHECK-OFF SHEET

INFORMATION REGARDING ORDINANCE

CONTENTS OF ORDINANCE

| | |
|---|--------------------------|
| BILL NO. | <i>19-73-08-26</i> |
| ORDINANCE NO. | <i>19-21-73</i> |
| REGULAR SESSION | <i>8-14-73</i> |
| SPECIAL SESSION | |
| APPROVED AS TO FORM AND LEGALITY | <i>7/14/73</i> |
| BILL WRITTEN BY | <i>City Clerk</i> |
| DATE INTRODUCED | <i>8-14-73</i> |
| REFERRED TO SAID STANDING COMMITTEE | <i>Public Regulation</i> |
| REFERRED TO CITY PLAN | |
| LEGAL PUBLIC HEARING | |
| <input checked="" type="checkbox"/> LEGAL PUBLICATION | |
| JOINT HEARING | |
| DEPARTMENT HEARING | |
| HOLD FILE | |
| <input checked="" type="checkbox"/> PASS | <i>8-28-73</i> |
| DO NOT PASS | |
| WITHDRAWN | |
| SUSPENSION OF RULES | |
| PRIOR APPROVAL | |
| ORDINANCE TAKEN OUT OF OFFICE | |
| OTHER INSTRUCTIONS REGARDING ORDINANCE | |
| CORRECTIONS MADE TO ORDINANCE | |
| PEOPLE SPEAKING FOR ORDINANCE | |
| PEOPLE SPEAKING AGAINST ORDINANCE | |

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | COMMITTEE SHEET |
| <input checked="" type="checkbox"/> | VOTE SHEET |
| | PURCHASE ORDERS |
| | <i>Resolution Deletion</i> |
| | BIDS |
| | ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM |
| | LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY |
| | COMMUNICATIONS FROM |
| <input checked="" type="checkbox"/> | ZONING MAPS |
| | ABSTRACTS |
| | TITLES |
| | PRIOR APPROVAL LETTER |

Deputy Clerk

COUNCILMAN'S VOTE

| | AYES | NAYS | ABSENT |
|------------|-------------------------------------|------|--------|
| BURNS | <input checked="" type="checkbox"/> | | |
| HINCA | <input checked="" type="checkbox"/> | | |
| KRAUS | <input checked="" type="checkbox"/> | | |
| MOSES | <input checked="" type="checkbox"/> | | |
| NUCKOLS | <input checked="" type="checkbox"/> | | |
| D. SCHMIDT | <input checked="" type="checkbox"/> | | |
| V. SCHMIDT | <input checked="" type="checkbox"/> | | |
| STIER | <input checked="" type="checkbox"/> | | |
| TALARICO | <input checked="" type="checkbox"/> | | |

COMMENTS:

CITY OF FORT WAYNE
CITY-COUNTY BUILDING
ONE EAST MAIN STREET
FORT WAYNE, INDIANA 46802

CHARLES W. WESTERMAN
CITY CLERK

August 30, 1973

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of September 1, and September 8, 1973, in both the News Sentinel and Journal Gazette.

RE: Legal Publication for Common Council
of Fort Wayne, Indiana:

General Ordinance No. G-20-73 -
Authorizing the vacation of an alley
and two streets.

General Ordinance No. G-21-73
Authorizing the vacation of an alley
and two streets.

General Ordinance No. G-22-73
Authorizing the vacation of an alley
north of Creighton Avenue.

General Ordinance No. G-23-73
Amending certain sections of Chapter 31
of the 1946 Municipal Code of the City
Fort Wayne, Indiana.

Please send us 4 (4) copies of the Publisher's Affidavit.

Thank you.

Sincerely,

CWW/ne
ENCL: 4

Charles W. Westerman
City Clerk

Common Council-City of Ft. Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Table with 2 columns: Description (Display Matter, Head, Body, Tail, Total number of lines in notice) and Amount (96, 94, 2, 96).

COMPUTATION OF CHARGES

Table with 2 columns: Description (96 lines, Additional charge for notices, Charge for extra proofs, TOTAL AMOUNT OF CLAIM) and Amount (27.65, 1.00, 28.65).

DATA FOR COMPUTING COST

Table with 2 columns: Description (Width of single column, Number of insertions) and Value (5 1/2 point, 2).

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald (Signature)

Date September 14, 1973 Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana } County } as: Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time \$ the dates of publication being September 1, 1973 September 8, 1973 Subscribed and sworn to before me this 14th day of September 1973 My commission expires October 25, 1975

Notice is hereby given that on the 28th day of August, 1973, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-21-73 General Ordinance, to-wit: BILL No. G-21-73 General Ordinance, to-wit: An Ordinance amending the General Ordinance G-97 by authorizing the vacation of an alley and two streets. IT IS ORDERED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA: SECTION 1. Petition for the vacation of a public alley and two public streets by property owners having been filed with the Fort Wayne City Plan Commission, and resolution following a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns' Ind. Stat., 1964 Replenishment, Sec. 53-244), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following public alley and two public streets in Fort Wayne, Allen County, Indiana, to-wit: Those portions of Lombard Street and Sidney Street and that particular alley that parallels said street and is located between East Robinson Blvd. on the North and Jefferson Avenue on the South. SECTION 2. After passage of this Ordinance, approval by the Mayor, and final ordinance, of the recommendation of this Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana. SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor. VIVIAN G. SCHMIDT, COUNCILMAN Read the third time in full and on motion duly adopted, passed by V. Schmidt, PASSED by the following vote: Ayes: Nine; Burns, Hingo, Kraus, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico. Mayor: None Date: 8-8-73 Charles W. Westerman, City Clerk Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-21-73 on the 28th day of August, 1973. ATTEST: (SEAL) Charles W. Westerman Winfield C. Moses, Jr. City Clerk Presiding Officer Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of August, 1973, at the hour of 10:00 o'clock P.M., E.S.T. Charles W. Westerman, City Clerk Approved and signed by me this 29th day of August, 1973, at the hour of 4:00 o'clock P.M., E.S.T. IVAN A. LEBAMOFF, Mayor I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a true and complete copy of General Ordinance No. G-21-73 passed by the Common Council on the 28th day of August, 1973, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of August, 1973 and now remains on file and on record in my office. WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of August, 1973. CHARLES W. WESTERMAN, CITY CLERK

